

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

YASEIN ALI ABBAS

Plaintiff / Petitioner

v.

PETER D. KEISLER, in his official capacity as Acting Attorney General of the United States; MICHAEL CHERTOFF, in his official capacity as Secretary of the Department of Homeland Security; RUTH DOROCHOFF, in her official capacity as District Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security; ROBERT S. MUELLER, III, in his official capacity as Director of the Federal Bureau of Investigation,

Defendants / Respondents

07CV 6167  
JUDGE KENNELLY  
MAGISTRATE JUDGE VALDEZ

JH

FILED

NOV 01 2007

Nov. 1, 2007

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

**Complaint for Naturalization and Other Relief**

The Plaintiff is a lawful permanent resident of the United States who applied to be naturalized as a United States citizen. His citizenship application has been pending since May 12, 2005 and he has satisfied all requirements for citizenship. He seeks immediate naturalization and other relief.

**Jurisdiction and Venue**

1. This court has subject matter jurisdiction pursuant to at least the following statutory provisions: 28 U.S.C. § 1331 (because questions of federal law are presented); and 8 U.S.C. § 1447(b) (granting district court jurisdiction to review naturalization applications); and 28 U.S.C. § 1361 (mandamus jurisdiction).
2. Pursuant to 28 U.S.C. § 1391, venue is proper in this district on either of the following grounds: (1) the Plaintiff resides in this judicial district, the Defendants are officers of the United States or agencies of the United States, and no real property is involved (28 U.S.C. § 1391(e)(3)); or (2) acts or omissions giving rise to this action, that is this application for naturalization was processed in part by the Chicago office of Immigration and Naturalization Services (now the Bureau of Citizenship and Immigration Services) (28 U.S.C. § 1391(e)(2)).
3. An actual controversy has arisen and now exists between the Plaintiff and Defendants.

**The Parties**

**Plaintiff:**

4. Plaintiff YASEIN ALI ABBAS is a lawful permanent resident of the United States, who resides in Wheaton, Illinois, which is within this judicial district.

**Defendants:**

5. Defendant PETER D. KEISLER is being sued in his official capacity as the Acting Attorney General of the United States. He is the sole person authorized by Congress to naturalize persons as citizens of the United States. 8 U.S.C. § 142(a).

6. Defendant MICHAEL CHERTOFF is being sued in his official capacity as the Secretary of the Department of Homeland Security (DHS). As of February 15, 2005, Mr. Chertoff has been responsible for the administration of the United States Citizenship and Immigration Service, which provides certain immigration related services including naturalization. 8 U.S.C. § 1103.

7. Defendant RUTH DOROCHOFF is being sued in her official capacity as the District Director of USCIS for the Chicago District. As such, she is charged with the duty of administration and enforcement of all the functions, powers, and duties of USCIS in the Chicago District.

8. Defendant ROBERT S. MUELLER, III, is the Director of the Federal Bureau of Investigation. As such, he is charged with conducting background checks of applicants for naturalization when requested to do so by the USCIS.

**Facts Common to All Counts**

9. Mr. Abbas was born in Sudan. He is a person of good moral character.

10. Mr. Abbas has been a lawful permanent resident of the United States since September of 2000. He is identified by USCIS Account Number (Alien number) A 078 770 977.

11. On or about March 15, 2005, after residing in the United States as a lawful permanent resident for more than 7 years, Mr. Abbas applied to be a naturalized U.S. citizen.

12. Mr. Abbas received notice to appear for a scheduled naturalization interview on May 12, 2005.

13. On May 12, 2005, Mr. Abbas attended the citizenship interview. Mr. Abbas was notified shortly thereafter that he "passed the tests of English and U.S. history and government." A copy of the notice indicating that Mr. Abbas passed these tests is attached as Exhibit A.

14. At no time has Mr. Abbas been informed of any deficiencies with his application for naturalization.

15. Mr. Abbas has personally inquired many times regarding the status of the aforementioned application via mail and telephone. Copies of two of these inquiries are attached as Exhibit B and Exhibit C.

16. Mr. Abbas' United States designated representative has also inquired regarding the status of Mr. Abbas' application. Copies of two of these inquiry responses are attached as Exhibit D and Exhibit E.

17. At least as of May 12, 2005, Mr. Abbas satisfied all of the requirements for naturalization set forth in 8 U.S.C. § 1427.

18. Since Mr. Abbas' citizenship exam on May 12, 2005, more than 2 years and 4 months have passed.

19. The unreasonable delay in naturalizing Mr. Abbas has caused him damage, including at least his disenfranchisement and deprivation of other rights that flow from citizenship.

**Count I: Naturalization Order Pursuant to 8 U.S.C. § 1447(b)**

20. Mr. Abbas reasserts and re-alleges paragraphs 1 to 19 as if set forth fully here.

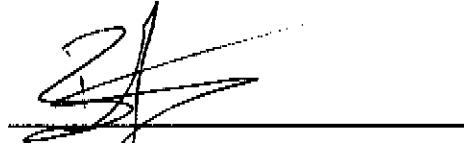
21. Pursuant to 8 U.S.C. § 1447(b), Mr. Abbas seeks a determination by this Court that he meets the requirements for naturalization and is to be naturalized as a U.S. citizen without further delay.

**Prayer for Relief**

Wherefore, Plaintiff Yasein Ali Abbas seeks the following relief:

- A. An order setting an immediate date for naturalization of Mr. Abbas;
- B. The actual naturalization of Mr. Abbas by this Court;
- C. An award of damages in an amount to be determined;
- D. An award of costs, as provided by 28 U.S.C.S. § 2412(a)(1);
- E. An award of reasonable attorneys fees, as provided by 28 U.S.C.S. § 2412(d)(1);  
and
- F. Such other relief as the Court deems just.

Filed: November 1, 2007



Bitta Mostofi  
Staff Attorney  
Council on American-Islamic  
Relations, Chicago Chapter  
(CAIR-Chicago)  
28 East Jackson Boulevard  
Suite 1410  
Chicago, Illinois 60604  
Ph: 312.212.1520  
Fax: 312.212.1530

**EXHIBIT**

**A**

On 5-12-05, you were interviewed by USCIS officer Tolbert

- You passed the tests of English and U.S. history and government.
- You passed the tests of U.S. history and government and the English language requirement was waived.
- USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- You will be given another opportunity to be tested on your ability to \_\_\_\_\_ speak \_\_\_\_\_ read \_\_\_\_\_ write \_\_\_\_\_ English.
- You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- Please follow the instructions on Form N-14.
- USCIS will send you a written decision about your application.
- You did not pass the second and final test of your \_\_\_\_\_ English ability/ \_\_\_\_\_ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400. USCIS will send you a written decision about your application.

A) Congratulations! Your application has been recommended for approval. At this time it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) X A decision cannot yet be made about your application.  
It is very important that you:

- Notify USCIS if you change your address.
- Come to any scheduled interview.
- Submit all requested documents.
- Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#), and a copy of this paper.
- Go to any Oath Ceremony that you are scheduled to attend.
- Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or Oath Ceremony. Include a copy of this paper and a copy of the scheduling notice.

*only Background Check Pending*

NOTE: Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied, or before the U.S. district court if USCIS had not made a determination on your application within 120 days of the date of your examination.

**EXHIBIT  
B**

**U.S. Department of Homeland Security  
USCIS  
10 West Jackson Boulevard  
Chicago, IL 60604**



**U.S. Citizenship  
and Immigration  
Services**

Tuesday, January 17, 2006

**YASEIN MOHAMED AHMED ALIABBAS  
1214 E ROOSEVELT RD  
APT 2  
WHITMAN IL 60187**

Dear YASEIN MOHAMED AHMED ALIABBAS:

On 11/16/2005 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

**Caller indicated they are:**

**Attorney Name:**

**Case type:**

**Filing date:**

**Receipt #:**

**Beneficiary (if you filed for someone else):**

**Your USCIS Account Number (A-number):**

**Type of service requested:**

The applicant

Information not available

N400

03/15/2005

ALIABBAS, YAFEIN, MOHAMED AHMED

A078770977

Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

**U.S. Citizenship and Immigration Services**

## **EXHIBIT**

**C**

## STATUS INQUIRY FORM

COPY - to Charsenra

DATE: 05/12/2006

Last one I send it

CORRESPONDENCE DETAILS

On Behalf of (Applicant):

A Number: 078-770-977Name: Ali Abbas Yasein M  
Last Ali First Abbas Middle MMailing Address: 1214 E. Roosevelt Rd, Apt. 2  
Apt # 2City: Wheaton State: IL Zip Code: 60187Daytime Phone Number: 630-871-1743Country of Birth: Sudan Date of Birth: 02/01/66

Check box if author is same as applicant  
(DO NOT complete the following if box is checked)

## Type of Inquiry:

Applicant  Attorney  CBO

Name: \_\_\_\_\_  
Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

Firm / Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Suite # or Apt. #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone No.: \_\_\_\_\_

CORRESPONDENCE INFORMATION

Check if telephonic Inquiry

Class: GENERALRequest Type (check all that apply):  Address Change General Received DocumentsType of Application (check one):  Adjustment of Status Citizenship

FORM FILED (check boxes below that apply):

 I-130  I-485  I-751  I-765 I-824 N-336  N-400  N-565  N-600 N-643 Other: \_\_\_\_\_DATE APPLICATION FILED: 03/15/2005REQUEST RESCHEDULE FOR (check one):  Interview Oath Fingerprinting

Additional Comments: I passed my tests of English and U.S. history and government. However, by that time (03/12/2005) my background check was still pending. Please kindly update on this.

\*\*\* INQUIRIES MAY BE MADE BY APPLICANTS, BENEFICIARIES, ATTORNEYS, AND ACCREDITED REPRESENTATIVES ONLY. IF YOU ARE AN ATTORNEY, A FORM G-28 MUST BE ATTACHED.

\*\*\* CBOs MUST INCLUDE A PRIVACY RELEASE SIGNATURE FROM THE APPLICANT:

Signature: Yasein Ali 06605Date: 05/12/2006

\*\*\* MAIL INQUIRIES TO: USCIS, CUSTOMER SERVICE, P.O. BOX 3616, CHICAGO, IL 60690  
CU Revised 08/14/03

## **EXHIBIT**

**D**

BARACK OBAMA  
ILLINOIS

COMMITTEES:  
ENVIRONMENT AND  
PUBLIC WORKS  
FOREIGN RELATIONS  
VETERANS' AFFAIRS

**United States Senate**

WASHINGTON, DC 20510

December 7, 2006

Yasein Ali Abbas  
1214 E. Roosevelt #2  
Wheaton, Illinois 60187

Dear Mr Abbas:

Thank you for your recent letter to Senator Barack Obama about your pending immigration issue. I handle Immigration/Visa cases for the Senator and he has asked me to respond on his behalf.

I have contacted the U.S. Citizenship and Immigration Service (USCIS) on your behalf to inquire about the status of your case. A representative from USCIS reported back to me today that your case is being held pending name check completion.

The September 11 terrorist attacks have forced USCIS to implement much more stringent background checks, and they often take up to two years to complete. Unfortunately, a final decision on your petition cannot be made until the national security check is completed by the Federal Bureau of Investigations (FBI) and they have contacted USCIS with the results. If you do not hear back from USCIS within three (3) months, please contact me again and I can inquire on your behalf.

I understand the frustration of enduring such long waits. However, I trust that the FBI and USCIS are working as quickly as they can given the security requirements and caseloads that they face. If you have additional information or concerns relative to this matter, please feel free to contact me at 312-886-3506.

Sincerely,

Jenna Pilat  
Constituent Services Agent

U.S. Senator Barack Obama  
230 S. Dearborn Street Suite 3900  
Chicago, Illinois 60604

**WASHINGTON OFFICE**  
713 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
OFFICE (202) 224-2864  
FAX (202) 228-4260

**CHICAGO OFFICE**  
230 S. DEARBORN  
SUITE 3900  
CHICAGO, IL 60604  
OFFICE (312) 888-3506  
FAX (312) 888-3514

**SPRINGFIELD OFFICE**  
607 EAST ADAMS  
SUITE 1520  
SPRINGFIELD, IL 62701  
OFFICE (217) 492-8089  
FAX (217) 492-5059

**MARION OFFICE**  
701 NORTH COURT STREET  
MARION, IL 62859  
OFFICE (618) 987-2402  
FAX (618) 987-2860

**MOLINE OFFICE**  
1911 52ND AVENUE  
MOLINE, IL 61265  
OFFICE (309) 738-4217  
FAX (309) 738-1833

The Honorable Senator Barack Obama  
Office of the United States Senator  
230 S. Dearborn, Suite 3900  
Chicago, IL 60604  
Attn: Jenna Pilat

This is in response to your inquiry dated July 31, 2006. The United States Citizenship and Immigration Services (USCIS) Chicago District Office is responding to your inquiry regarding the status of your constituent, Yasein Ali Abbas A78 770 977. Our information shows that the background investigation conducted by the Federal Bureau of Investigations (FBI) for your constituent has not yet been completed. We may not proceed with the adjudication of the application or petition until the FBI completes their process and our records are updated with the results. It is uncertain the time period it takes for the results to be electronically submitted to USCIS and updated in our national records.

Please be assured that every case that is pending a background investigation is checked weekly for results to keep the adjudication process ongoing and timely. We are allowed to resubmit names pending over 90 days only if the name does not appear in the FBI database after 90 days of submission. If requesting an expedite processing of the background investigation your constituent must provide a written request with an explanation directed to the District Director for consideration with supporting evidence. The FBI will only expedite the processing if your constituent is in the military, an "age-out", diversity (DV) lottery winner meeting the deadline date or for compelling reasons.

Again, it is difficult to predict with accuracy when the clearance will be updated in our records. Please be assured that every effort is being made to render a final decision in a timely manner.



Ruth A. Dorochoff  
District Director

**EXHIBIT**

**E**

BARACK OBAMA  
ILLINOIS

COMMITTEES:  
HEALTH, EDUCATION, LABOR AND PENSIONS  
HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
FOREIGN RELATIONS  
VETERANS' AFFAIRS

**United States Senate**  
WASHINGTON, DC 20510

June 18, 2007

Mr. Yasein Ali Abbas  
1214E Roosevelt #2  
Wheaton, Illinois 60187

Dear Mr. Abbas:

Thank you for your correspondence requesting an update on your name check process with the Federal Bureau of Investigation (FBI). At this time, USCIS has informed us that no decision can yet be rendered on your petition because the FBI security name check continues to pend. Our office is able to check with USCIS every 90 days to see if they have received a response from the FBI. Please contact me in mid-September 2007 if you would like me to initiate another inquiry with USCIS.

Since 2002, U.S. Citizenship and Immigration Services (USCIS) has increased the number and scope of relevant background checks, processing millions of security checks within a short timeframe. However, in some cases, constituents have waited a year or longer for the adjudication of their petition due to pending security checks.

While the percentage of applicants who find themselves in this situation is small, Senator Obama is aware that the additional delay and uncertainty can cause great anxiety and inconvenience. He has sponsored legislation to assist in reducing the processing times for immigration applications. The comprehensive immigration reform bill that passed the Senate last year included an amendment sponsored by Senator Obama providing \$15 million to the FBI to improve the speed and accuracy of the background and security checks conducted on behalf of USCIS.

Additionally, earlier this year, Senator Obama introduced the Citizenship Promotion Act of 2007 that will further assist legal immigrants on the path to U.S. citizenship by encouraging USCIS to charge fair and reasonable fees and, also, remove other potential bureaucratic hurdles in the naturalization process.

I am told that the FBI and USCIS are working as quickly as they can, and I assure you that Senator Obama is doing everything possible to greater facilitate the process for individuals in your situation. Thank you for your patience and understanding. If you have additional information or concerns relative to this matter, please do not hesitate to contact me at 312-886-3506.

Sincerely,

Jenna Pilat  
Constituent Services Agent

WASHINGTON OFFICE  
713 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
OFFICE (202) 224-2864  
FAX (202) 228-4260

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CHICAGO, IL 60604  
OFFICE (312) 888-3808  
FAX (312) 886-3514

SPRINGFIELD OFFICE  
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FAX (217) 492-5098

MARION OFFICE  
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FAX (618) 997-2880

MOLINE OFFICE  
1911 52ND AVENUE  
MOLINE, IL 61265  
OFFICE (309) 738-1217  
FAX (309) 738-1233

The Honorable Senator Barack Obama  
United States Congress  
Attn: Jenna Pilat

This is in response to your inquiry dated April 30, 2007. The United States Citizenship and Immigration Services (USCIS) Chicago District Office is responding to your inquiry regarding the status of your constituent, Yasein Ali Abbas A78-770-977. Our information shows that the background investigation conducted by the Federal Bureau of Investigations (FBI) for your constituent has not yet been completed. We may not proceed with the adjudication of the application or petition until the FBI completes their process and our records are updated with the results. It is uncertain the time period it takes for the results to be electronically submitted to USCIS and updated in our national records.

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Again, it is difficult to predict with accuracy when the clearance will be updated in our records. Please be assured that every effort is being made to render a final decision in a timely manner.

Robert L. Blackwood  
Field Office Director